

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Mordecai L. Smith**

**Docket No. 5:12-CR-25-1D**

**Petition for Action on Supervised Release**

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mordecai L. Smith, who, upon an earlier plea of guilty to Bankruptcy Fraud in violation of 18 U.S.C. § 157(1) and 2, Aggravated Identity Theft in violation of 18 U.S.C. §1028 (A) and 2, Wire Fraud in violation of 18 U.S.C. § 1343 and 2 (2 counts), was sentenced by the Jerome B. Friedman, U.S. District Judge in the Eastern District of Virginia, on November 22, 2006, to the custody of the Bureau of Prisons for a term of 64 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. As directed by the probation officer, the defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
2. The defendant is prohibited from engaging in any real estate transaction or investment business or any similar occupation where the defendant would have access to others' money or personal identification information.
3. The defendant shall file an accurate yearly tax return.
4. The defendant shall pay restitution in the amount of \$105,290.85. Any balance remaining unpaid on the monetary penalties as the inception of supervision shall be paid by the defendant in installments of not less than \$250.00 per month until paid in full.
5. The defendant shall pay a special assessment in the amount of \$400.00 as directed.

Mordecai L. Smith was released from custody on July 20, 2011, at which time the term of supervised release commenced. He began his supervision term in the Eastern District of North Carolina and jurisdiction was transferred here on January 26, 2012. On October 17, 2012, supervision was transferred back to the Eastern District of Virginia due to the defendant relocating with his family.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

On November 29, 2013, a violation report was received from Senior U.S. Probation Officer Rodney Lang, Eastern District of Virginia, indicating that Mr. Smith has failed to locate employment or make any payments toward his restitution obligation since arriving in their district. He requested that the defendant's supervision be modified to require Smith to complete 40 hours of community service per month while unemployed. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 40 hours of community service per month, while, unemployed, as directed by the probation office at a facility designated by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Senior U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: December 24, 2013

**ORDER OF COURT**

Considered and ordered this 27 day of December, 2013, and ordered filed and made a part of the records in the above case.

James C. Dever  
James C. Dever III  
U.S. District Judge